

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PEDRO J. MANCEBO PEREZ,

Petitioner,

v.

CHARLES GREEN,

Respondent.

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Civ. No. 16-0438 (KM)

MEMORANDUM AND ORDER

Petitioner is an immigration detainee proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. On January 29, 2016, this Court ordered the respondent to answer the habeas petition within thirty days. On February 12, 2016, two weeks prior to that thirty-day deadline, respondent filed a letter requesting a sixty-day extension of time to file its answer. Respondent states that he has not yet received the necessary materials from the agency, and that the Assistant United States Attorney assigned to this case has a heavy caseload.

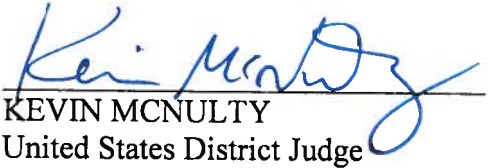
I will grant respondent's request in part, and give a 30-day extension. I understand that it sometimes takes time to receive documents from the relevant agencies, and I am cognizant of the heavy caseloads that Assistant United States Attorneys have. I am also mindful, however, that the petitioner is in immigration detention; without of course determining the facts, I note that the petition relates that the petitioner was detained in 2013-14, and that the current detention began in June 2015. The length of detention, of course, may bear on the outcome of this case. *See, e.g., Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 478 (3d Cir. 2015) (noting sometime after six months and certainly by the time petitioner had been detained for a year that the burdens to petitioner's liberties outweighed any justification for using presumptions to detain him without bond).

I will grant a 30-day extension of the respondent's time to answer. No further extensions will be granted absent compelling circumstances. Any demonstration of such compelling circumstances shall include a detailed accounting of the specific steps taken to comply with the deadline as well as the circumstances preventing the Assistant United States Attorney, or some other AUSA to whom the case could be reassigned, from complying with this extended deadline.

Accordingly, IT IS this 16th day of February, 2016,

ORDERED that respondent's request for an extension of time to file an answer to the habeas petition (Dkt. No. 4) is granted in part; and it is further

ORDERED that respondent shall file and serve its answer to the habeas petition on or before April 1, 2016.


KEVIN MCNULTY
United States District Judge